

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**  
**Plaintiff,**

**VS.**

**BILLY J. NESIBA and  
CAROL NESIBA,**

**Defendants.**

**8:11CR180**

## ORDER

This matter is before the court on the motion for a continuance of the trial scheduled for October 11, 2011, by defendants Billy J. Nesiba and Carol Nesiba (Filing No. 24). Both defendants seek until 2012 in which to prepare for trial and further seek a Rule 17.1 conference in January 2012 in which to schedule matters to be handled prior to trial. Counsel for the Nesibas represent the Nesibas will file an affidavit wherein they consent to the motion and acknowledge they understand the additional time will be excludable time for the purposes of the Speedy Trial Act. The Nesibas' counsel represent that government's counsel has no objection to the motion. Upon consideration, the motion will be granted

**IT IS ORDERED:**

Defendants Nesibas' motion for a continuance of trial (Filing No. 24) is granted. Trial of this matter will commence before Chief Judge Joseph F. Bataillon and a jury on February 27, 2012. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 13, 2011, and February 27, 2012**, shall be deemed **excludable** time in any computation of time under the requirements of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

**IT IS FURTHER ORDERED:**

A Rule 17.1 conference will commence **at 10:00 a.m. on January 24, 2012**, before the undersigned magistrate judge in Courtroom No. 7, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The defendants shall be present for such conference.

DATED this 13th day of September, 2011.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge